



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Water Pollution Control
401 Church Street
7th Floor, L & C Annex
Nashville, TN 37243-1534

August 27, 2009

CERTIFIED MAIL 7007 1490 0001 3609 5183

Mr. Doug Stein
Stein Construction
3611 Amnicola Highway
Chattanooga, Tennessee 37406

RE: **NRS98.688**
Authorization to Alter Streams
Compensatory Mitigation Requirements
Hamilton County

Dear Mr. Stein:

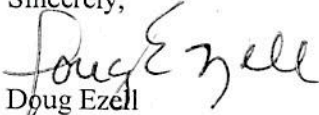
The subject aquatic resource alteration permit was issued on May 26, 1999 for alterations to streams. The permit requires stream monitoring and submittal of periodic reports and documentation of deed restrictions for Division of Water Pollution Control review. As you are aware, stream monitoring reports were not submitted. In addition, following the file review, Division of Water Pollution Control (division) personnel entered into negotiations with current owners of the golf course now known as Black Creek to resolve permit noncompliance issues. Division comments follow.

The permit authorizes relocation of two streams (Dry Branch and an unnamed tributary to Black Creek), and requires removal of a culvert conveying flow from Obar Springs, creation of a conveyance for a drainage that, at the time of the permit, flowed overland, and creation of wetlands as compensation for lost resource value. The division has determined that creation of the wetlands at selected locations serve no apparent benefit to water quality. Further, the drainage that flowed overland (currently this drainage continues to flow overland) does not have characteristics of a stream. In addition, due to archeological issues, removal of the culvert could not be initiated. Therefore, continued attempts to develop the wetlands (including implementation of deed restrictions) can be abandoned, and the requirement to develop a channel for the overland drainage is eliminated. However, since streams were altered and resource value was lost, compensatory mitigation to replace the required mitigation remains a requirement.

As we discussed during our August 19, 2009 meeting, other acceptable mitigation, including areas for stream bank stabilization on Black Creek and Dry Branch, is available on site. Submit plans for mitigation on or before close of business September 30, 2009. Following successful completion of approved mitigation, the division will consider closure of this matter.

If you have any questions regarding these issues, please call Doug Ezell at 615/532-0648.

Sincerely,

A handwritten signature in cursive script that reads "Doug Ezell". The signature is written in dark ink and is positioned above the printed name.

Doug Ezell
Natural Resources Section
Division of Water Pollution Control

CC: Daniel C. Eagar, Manager, Natural Resources Section, WPC

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Mr. Doug Stein
Stein Construction
3611 Annicola Highway
Chattanooga, TN 37406

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